

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CYRIAL LICHELE PASSMORE,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ALICIA PASSMORE,

Respondent-Appellant.

UNPUBLISHED

October 28, 2008

No. 283554

Wayne Circuit Court

Family Division

LC No. 03-417718-NA

Before: Wilder, P.J., and Jansen and Owens, JJ.

PER CURIAM.

Respondent appeals by right the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), and (g). We affirm.

Respondent contends that the trial court erred in finding clear and convincing evidence to support the statutory grounds for termination. We disagree. On appeal from termination of parental rights proceedings, this Court reviews the trial court's findings under the clearly erroneous standard. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005). In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991).

The trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. When this case was adjudicated, respondent was living in a shelter, had no income, and had abandoned her child. Five years later, respondent did not have suitable housing for her minor child. She had just started a new job on a probationary period and had a five-year history of not keeping a job for more than a month or two. Finally, her failure to maintain visitation with her child and maintain the parent-child bond was, in essence, an abandonment of that child. Thus, the trial court did not clearly err in finding sufficient evidence to conclude that the conditions that led to the adjudication continued to exist and, after five years of noncompliance with the treatment plan, there was no reasonable likelihood that they would be rectified within a reasonable time. MCL 712A.19b(3)(c)(i). The same evidence established respondent's past inability or unwillingness to provide proper care

and custody and that there was no reasonable expectation that she would be able to provide proper care and custody within a reasonable time considering the child's age. MCL 712A.19b(3)(g).

We reject respondent's argument that her parental rights were terminated because she was penalized for being too poor to obtain stable housing. The termination of respondent's parental rights was not based solely on housing and income. Rather, the trial court focused on respondent's inconsistent and infrequent visitation record, which demonstrated a lack of commitment and resulted in the loss of the parent-child bond.

Finally, we find that the trial court did not clearly err in holding that termination of respondent's parental rights was in the child's best interest. MCL 712A. 19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). Respondent had never demonstrated a commitment to the child by substantial compliance with the treatment plan, especially in her failure to regularly visit the child. As a result of five years of infrequent contact, the parent-child bond had been lost. Therefore, the record provides clear and convincing evidence to support the trial court's finding that termination was in the child's best interests.

Affirmed.

/s/ Kurtis T. Wilder

/s/ Kathleen Jansen

/s/ Donald S. Owens